

December 10, 2010

Washington, D.C. – Congressman Jerry McNerney supported common sense reform this week to allow students who have grown up in the United States the opportunity to earn lawful status, serve in our Armed Forces and pursue higher education. The DREAM Act, passed by the U.S. House of Representatives with bipartisan support on Wednesday, is targeted legislation with a series of highly rigorous requirements for applicants.

The bill's reforms are supported by national security leaders, such as Secretary of Defense Robert Gates and former Chairman of the Joint Chiefs of Staff General Colin Powell, the presidents of higher education institutions such as Stanford and Harvard, and newspapers such as the Wall Street Journal and the [Stockton Record](#).

"The DREAM Act will benefit our country by allowing educated young people the opportunity to contribute to our economy and our national defense," said Rep. McNerney. "This legislation is a common sense step and includes rigorous requirements for all applicants."

Under the bill, a DREAM Act applicant who meets the bill's requirements becomes a "conditional nonimmigrant." The DREAM Act would allow an individual to obtain this conditional status only if he or she meets all of the following requirements:

- was brought to the United States as a child (15 years old or younger);
- is currently 29 years old or younger;
- has lived in the U.S. for 5 years or more before the date of enactment;
- has graduated from an American high school, has obtained a GED, or is admitted to an institution of higher education;
- has been a person of "good moral character," as defined by our immigration laws, from the date the individual initially entered the United States;
- submits biometric and biographic information and completes security and law-enforcement background checks;
- undergoes a medical examination;
- registers for the Selective Service; and
- pays a significant surcharge in connection with the initial application.

The DREAM Act further limits eligibility for conditional status by specifically excluding anyone who:

- has committed one felony or three misdemeanors;

- is likely to become a public charge;
- has engaged in voter fraud or unlawful voting;
- has committed marriage fraud;
- has abused a student visa;
- has engaged in persecution; or
- poses a public health risk.

Under the bill, a successful DREAM Act applicant receives a conditional status for an initial period of 5 years. After those 5 years, the individual applies for an extension of their conditional status for a second period of 5 years. The DREAM Act would allow an individual to obtain the 5-year extension of their conditional status only if he or she meets all of the following requirements:

- has demonstrated good moral character during the 5-year period they have had conditional status;
- has lived continuously in the United States during the 5 years; and
- has either:
 - earned a degree from an institution of higher education;
 - completed at least two years of post-secondary education in good standing towards a bachelor's degree; or
 - served in the U.S. Armed Forces for at least two years and, if discharged, has received an honorable discharge.

After 10 years in conditional status, the DREAM Act then gives this limited group of young, highly-motivated individuals the chance to earn lawful permanent resident status, but only if the applicant meets all of the following additional standards:

- has paid taxes;
- has demonstrated the ability to read, write, and speak English and demonstrates knowledge and understanding of the fundamentals of the history, principles, and form of government of the United States;
- has maintained good moral character throughout the 10 years;
- has lived continuously in the United States throughout the 10 years; and
- has once more submitted biometric and biographic information and completed security and law-enforcement background checks.